

Law Offices of Albert Wai-Kit Chan, PLLC

World Plaza, Suite 604, 141-07 20th Avenue • Whitestone, NY 11357 • USA
 Tel: (718) 799-1000 • Fax: (718) 357-8615 E-mail: chank@kitchanlaw.com

RECEIVED
CENTRAL FAX CENTER

JUL 20 2007

FACSIMILE TRANSMISSION
PLEASE DELIVER THE FOLLOWING PAGES

TO : ATTN: EXAMINER LAWRENCE E. CRANE

U.S. SERIAL NO. : 10/518,003

COMPANY : UNITED STATES PATENT AND TRADEMARK OFFICE

FAX NO. : 571-273-0651 8300

FROM : ALBERT WAI-KIT CHAN/JH

DOCKET : MARTIN ET AL. FOR IN-VIVO ENERGY DEPLETING STRATEGIES FOR KILLING DRUG-RESISTANT CANCER CELLS, U.S. SERIAL NO. 10/518,003, FILED DECEMBER 10, 2004, CORRESPONDING TO INTERNATIONAL APPLICATION NO. PCT/US03/18716, FILED JUNE 13, 2003, CLAIMING PRIORITY OF U.S. SERIAL 10/172,346, FILED JUNE 13, 2002; OUR DKT. #636-C-PCT-US

TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET : 7

DATE : JULY 20, 2007

* IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE TO (718) 799-1000.

Message

Examiner Crane,

Further to our telephone conversations earlier today, attached is a Terminal Disclaimer with the missing information supplied as you requested for the above-identified application.

If you should have any further questions or concerns, please feel free to contact me.

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL UNDER THE CLIENT AND ATTORNEY RELATIONSHIP. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE A REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Dkt. #636-C-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin et al.
U.S. Serial No. : 10/518,003
Confirmation No. : 6708
Filed : March 14, 2005
Examiner : Lawrence E. Crane
Art Unit : 1623
For : IN-VIVO ENERGY DEPLETING STRATEGIES FOR
KILLING DRUG-RESISTANT CANCER CELLS

RECEIVED
CENTRAL FAX CENTER

JUL 20 2007

Law Offices of Albert Wai-Kit Chan, PLLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, NY 11357

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madame:

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)

The Assignee/Owner, Sloan-Kettering Institute for Cancer Research, having a place of business at 1275 York Avenue, New York, New York 10021, of the entire right, title and interest in and to the invention described and claimed in the above-identified patent application by virtue of the Assignment recorded in the United States Patent and Trademark Office on March 11, 2005 at Reel 015762, Frame 0536, and which is attached hereto as Exhibit A, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on this Application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of a patent granted on a co-pending application USSN 10/172,346.

The Assignee/Owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and

Applicant(s) : Martin et al.
U.S. Serial No.: 10/518,003
Filing Date : March 14, 2005
Page : 2

during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Assignee/Owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all the documents in the chain of title of this Application, Serial No. 10/518,003, filed on March 14, 2005 and, to the best of undersigned's knowledge and belief, title is in the Assignee/Owner identified above.

The undersigned (whose titles are supplied below) is empowered to act on behalf of his/her respective organization, which is the Assignee/Owner of the above-identified application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

Applicant(s) : Martin et al.
U.S. Serial No.: 10/518,003
Filing Date : March 14, 2005
Page : 3

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By:



Date:

6/27/07

Director, Research Resources Management
Sloan-Kettering Institute for Cancer Research
1275 York Avenue
New York, New York 10021

EXHIBIT A



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



MARCH 11, 2005

PTAS

500023110A

LAW OFFICES OF ALBERT WAI-KIT CHAN, LLC
141-07 20TH AVENUE
WORLD PLAZA, SUITE 604
WHITESTONE, NY 11357

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/11/2005

REEL/FRAME: 015762/0536
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:
MARTIN, DANIEL S. DOC DATE: 01/12/2005

ASSIGNEE:
KOUTCHER, JASON DOC DATE: 02/06/2005

ASSIGNEE:
BERTINO, JOSEPH R. DOC DATE: 01/06/2005

ASSIGNEE:
SLOAN-KETTERING INSTITUTE FOR
CANCER RESEARCH
1275 YORK AVENUE
NEW YORK, NEW YORK 10021

07/20/2007 14:16 7183578615
RightFax

LAW OFFICE OF ALBERT
3/11/05 5:56 PAGE 003/005 Fax Server

PAGE 07/07

015762/0536 PAGE 2

SERIAL NUMBER: 10518003 FILING DATE:
PATENT NUMBER: ISSUE DATE:
TITLE: IN-VIVO ENERGY DEPLETING STRATEGIES FOR KILLING DRUG-RESISTANT
CANCER CELLS

DIANE RUSSELE, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS